

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Patrick Yu	Team: Squad #6	CCRB Case #: 201502541	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 04/03/2015 3:00 PM	Location of Incident: Mill Avenue and 56th Drive	Precinct: 63	18 Mo. SOL 10/3/2016	EO SOL 10/3/2016	
Date/Time CV Reported Fri, 04/03/2015 4:02 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 04/03/2015 4:02 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Mark Brinadze	26105	948309	NARCBBS
2. DT3 James Williams	06664	919867	NARCBBS
3. DT3 Wilmar Mejia	03154	933014	NARCBBS

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Wilmar Mejia	Abuse: Det. Wilmar Mejia stopped § 87(2)(b) and § 87(2)(b)	
B.DT3 James Williams	Abuse: Det. James Williams stopped § 87(2)(b) and § 87(2)(b)	
C.POM Mark Brinadze	Abuse: PO Mark Brinadze stopped § 87(2)(b) and § 87(2)(b)	
D.DT3 Wilmar Mejia	Abuse: Det. Wilmar Mejia frisked § 87(2)(b)	
E.DT3 Wilmar Mejia	Abuse: Det. Wilmar Mejia searched § 87(2)(b)	
F.POM Mark Brinadze	Abuse: PO Mark Brinadze frisked § 87(2)(b)	
G.POM Mark Brinadze	Abuse: PO Mark Brinadze searched § 87(2)(b)	
H.DT3 Wilmar Mejia	Abuse: Det. Wilmar Mejia questioned § 87(2)(b) and § 87(2)(b)	
I.DT3 James Williams	Abuse: Det. James Williams questioned § 87(2)(b)	
J.POM Mark Brinadze	Abuse: PO Mark Brinadze questioned § 87(2)(b)	
K.DT3 Wilmar Mejia	Abuse: Det. Wilmar Mejia searched the car in which § 87(2)(b) was an occupant.	
L.DT3 Wilmar Mejia	Abuse: Det. Wilmar Mejia searched § 87(2)(b) s bags.	
M.DT3 James Williams	Abuse: Det. James Williams searched the car in which § 87(2)(b) was an occupant.	
N.DT3 James Williams	Abuse: Det. James Williams searched § 87(2)(b) s bags.	
O.POM Mark Brinadze	Abuse: PO Mark Brinadze searched the car in which § 87(2)(b) was an occupant.	
P.POM Mark Brinadze	Abuse: PO Mark Brinadze searched § 87(2)(b) s' bags.	
Q.DT3 Wilmar Mejia	Abuse: Det. Wilmar Mejia refused to provide his name to § 87(2)(b)	
§ 87(2)(g), § 87(4-b)		

Officer(s)	Allegation	Investigator Recommendation
§ 87(4-b), § 87(2)(g)		

Case Summary

On April 3, 2015, § 87(2)(b) filed this complaint online via the CCRB website (Board Review 07-08).

On April 3, 2015, at approximately 3:00 p.m., Det. Wilmar Mejia, Det. James Williams, and PO Mark Brinadze of Narcotics Borough Brooklyn South stopped § 87(2)(b) and § 87(2)(b) as they sat in their car at the location of Mill Avenue and 56th Drive in Brooklyn (**Allegations A, B, and C**). Det. Mejia requested § 87(2)(b) to exit the vehicle and Det. Williams requested § 87(2)(b) to exit the vehicle. § 87(2)(b) and § 87(2)(b) were subsequently brought to the rear of the vehicle. Det. Mejia and PO Brinadze frisked and searched § 87(2)(b) at the rear of the vehicle (**Allegations D, E, F, and G**). Det. Mejia, Det. Williams, and PO Brinadze questioned § 87(2)(b) and § 87(2)(b) in regards to them hiding weapons or drugs (**Allegation H, I, J**). Det. Mejia then entered § 87(2)(b)'s vehicle and searched the center console area (**Allegation K**). Det. Mejia extended the search into § 87(2)(b)'s bags (**Allegation L**). After Det. Mejia searched the vehicle, Det. Williams and PO Brinadze also searched the vehicle and searched § 87(2)(b)'s bags (**Allegations M, N, O, and P**). § 87(2)(b) asked all of the officers for their names after the incident and they provided it to § 87(2)(b). However, § 87(2)(b) stated that he obtained the name "Det. Rodriguez" (identified by the investigation as Det. Mejia) (**Allegation Q**). The officers returned to their vehicle and left the scene. Neither § 87(2)(b) nor § 87(2)(b) were issued any summonses or arrested during the incident. § 87(2)(g), § 87(4-b)

§ 87(2)(b)

§ 87(2)(b)

Mediation, Civil and Criminal Histories

§ 87(2)(b) rejected mediation during his CCRB interview (Board Review 17). A Notice of Claim query was submitted on July 6, 2015 and is currently pending (Board Review 16). § 87(2)(b) § 87(2)(b) § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Civilian and Officer CCRB Histories

- § 87(2)(b) has filed one prior CCRB complaint (Board Review 23).
 - § 87(2)(b) has no prior CCRB complaints (Board Review 22).
 - Det. Mejia has been a member of the NYPD for 12 years and has 16 prior allegations involving eight cases with four substantiated allegations. § 87(2)(g)
- § 87(2)(b)
- In Case number 200607753, Det. Mejia had a "vehicle stop" and a "vehicle search" allegation exonerated.
 - In Case number 200802293, Det. Mejia had a "vehicle stop" allegation substantiated. In this case, the investigation found that Det. Mejia erroneously categorized a single small object as a hand to hand transaction and therefore did not acquire the reasonable suspicion to believe that a narcotics transaction had occurred inside the car.
 - In Case number 200808895, Det. Mejia had a "stop" allegation exonerated.

- Det. Williams has been a member of the NYPD for 18 years and has 19 prior allegations involving nine cases with no substantiated allegations. § 87(4-b) § 87(2)(g)
- In case numbers 200612571 and 200703857, Det. Williams had two “question and/or stop” allegations exonerated and a “vehicle search” allegation exonerated.
- In case number 200815426, Det. Williams had a “stop” allegation exonerated.
- In case number 201101743, Det. Williams had a “stop” unsubstantiated.
- PO Brinadze has been a member of the NYPD for five years and has 11 prior allegations involving seven cases with no substantiated allegations (See officer history).
 - Within the 11 allegations, PO Brinadze has had three “stop” allegations, three “search” allegations, and one “frisk” allegation pleaded to him.

Finding and Recommendations

Explanation of Subject Officer Identification

In § 87(2)(b)'s initial online complaint and CCRB testimony, he provided a description of the officers' unmarked police vehicle and also provided the license plate number “§ 87(2)(e)” (Board Review 07 and 17). Additionally, § 87(2)(b) provided the names of the officers as Det. Rodriguez, Det. Williams, and Det. “B” (Board Review 17). The Vehicle Utilization log for license plate number “§ 87(2)(e)” with vehicle number “47842” showed that PO Brinadze operated the aforementioned vehicle from 12:00 p.m. – 4:00 a.m. on April 2, 2015. The Tactical Plan indicated that Det. Williams and PO Brinadze were partners assigned to the vehicle number 47842 (Board Review 24). Det. Mejia, Det. Williams, and PO Brinadze all confirmed that they were working with each other on the date of incident (Board Review 19-21). § 87(2)(g)

There were discrepancies in § 87(2)(b)'s descriptions of the officers, placement of the officers, and the alleged actions of each officer compared to § 87(2)(b)'s recollection. Moreover, § 87(2)(b) did not recall the names of the officers and only identified them as PO1, PO2, and PO3 (Board Review 18). All of the officers were generally consistent with each other and with § 87(2)(b)'s testimony regarding their placement while on the scene and alleged actions.

§ 87(2)(g)

§ 87(2)(g)

- According to all of the officers and § 87(2)(b) Det. Mejia and PO Brinadze were the primary officers that interacted with § 87(2)(b) and Det. Williams was the primary officer that interacted with § 87(2)(b) (Board Review 17 and 19-21).
- § 87(2)(b) alleged that PO Brinadze was the officer that questioned him about having drugs during the incident, but § 87(2)(b) stated that it was the officer described as Det. Mejia who told them that they were hiding weapons and drugs (Board Review 17 and 18). However, by Det. Williams' own admission, Det. Williams was the officer that asked § 87(2)(b) if they had weapons or drugs (Board Review 19). § 87(2)(g)

- § 87(2)(b) alleged that only Det. Mejia and Det. Williams entered his vehicle, but he acknowledged that he was not looking at his vehicle for the entirety of the time since the officers told him to face away from his car (Board Review 17). § 87(2)(b) and the officers' testimonies corroborated in that all three of the officers entered the vehicle at different points during the incident (Board Review 18-21). § 87(2)(g)

Allegation A—Abuse of Authority: Det. Wilmar Mejia stopped § 87(2)(b) and

§ 87(2)(b)

Allegation B— Abuse of Authority: Det. James Williams stopped § 87(2)(b) and

§ 87(2)(b)

Allegation C— Abuse of Authority: PO Mark Brinadze stopped § 87(2)(b) and

§ 87(2)(b)

Allegation D— Abuse of Authority: Det. Wilmar Mejia frisked § 87(2)(b)

Allegation E— Abuse of Authority: Det. Wilmar Mejia searched § 87(2)(b)

Allegation F— Abuse of Authority: PO Mark Brinadze frisked § 87(2)(b)

Allegation G— Abuse of Authority: PO Mark Brinadze searched § 87(2)(b)

It is undisputed that Det. Mejia, Det. Williams, and PO Brinadze all stopped both § 87(2)(b) and § 87(2)(b) as they sat in their vehicle at Mill Avenue and 56th Drive in Brooklyn. The circumstances for the stop are in dispute. It is also undisputed that Det. Mejia frisked § 87(2)(b)

§ 87(2)(b) § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) both stated that they sat in their vehicle, which they stated was parked in a legal parking spot away from the fire hydrant, for approximately two minutes until the three plainclothes police officers approached their vehicle (Board Review 17-18). § 87(2)(b) and § 87(2)(b) corroborated in that they were having a “normal boyfriend and girlfriend” conversation with the vehicle’s windows closed prior to the officers’ arrival. § 87(2)(b) indicated that his hands were on his lap and he denied reaching anywhere inside his vehicle or making any other movements in the vehicle. § 87(2)(b) stated that they might have hugged at some point while they spoke with each other and she might have reached down to her bag which was on the floor of the front passenger side to put her phone away, but denied reaching anywhere else (Board Review 18). § 87(2)(b) further denied making any other movements in the vehicle. She stated that her hands were then placed on her lap and § 87(2)(b)’s hands were on his lap.

As per both § 87(2)(b) and § 87(2)(b) as they were attempting to exit the vehicle, they saw an unmarked vehicle parked in front of their vehicle. Three police officers exited the vehicle, after which an officer, identified via investigation as Det. Mejia, flashed his badge at § 87(2)(b) and informed him he was blocking the fire hydrant. § 87(2)(b) then asked if the officer wanted him to move his vehicle. Subsequently, without giving § 87(2)(b) a response, Det. Mejia asked § 87(2)(b) if he was nervous. § 87(2)(b) stated that after he was asked to exit the vehicle, he was frisked and searched by Det. Mejia and PO Brinadze. § 87(2)(b) stated that both Det. Mejia and PO Brinadze lifted up § 87(2)(b)’s shirt, pulled up both of his pants legs, and went inside his front jean pockets. § 87(2)(b) stated after § 87(2)(b) stepped out of the vehicle, she observed PO2 (identified via the investigation as PO Brinadze) and PO3 (identified via the investigation as Det. Williams) frisk and search § 87(2)(b)

§ 87(2)(b) by patting his front hoodie pockets, searching his front/rear left and right pockets, and pulling up his pants legs. (Board Review 18).

§ 87(2)(b) emailed the CCRB a photo of his vehicle parked near a fire hydrant. The date and location of the photo is unconfirmed. Moreover, the distance between § 87(2)(b)'s vehicle and the fire hydrant cannot be approximated due to the angle of the photo and the lack of a scale for measurements in the photo (Board Review 9 and 15).

Det. Mejia, Det. Williams, and PO Brinadze § 87(2)(g) each testified that they were performing a “KITE” investigation around the area, which was a known drug prone location. A “KITE” investigation is a narcotics investigation location based on the reports of narcotics activity by the public. § 87(2)(e), § 87(2)(f)

§ 87(2)(b) The officers did not identify § 87(2)(b) or § 87(2)(b) to be the subject of the “KITE”. The officers initially observed only § 87(2)(b) inside his vehicle that all the officers stated was illegally parked by a fire hydrant. Upon continuing their patrol, they circled around the block and when they saw the vehicle again, they noticed § 87(2)(b) in the passenger seat of the vehicle. The officers all denied seeing anyone approach the vehicle or seeing § 87(2)(b) entering the vehicle. As the officers observed the vehicle, each of the officers observed movements from § 87(2)(b) and § 87(2)(b) (Board Review 19-21). Det. Mejia observed § 87(2)(b) “ducking and trying to conceal” something inside the vehicle by lowering his body underneath the steering wheel (Board Review 21). Det. Williams observed § 87(2)(b) and § 87(2)(b) reaching down towards the center console area “messing with something”. This led Det. Williams believe that they were hiding something (Board Review 19). PO Brinadze observed § 87(2)(b) and § 87(2)(b) shifting their bodies towards each other. Moreover, PO Brinadze stated that § 87(2)(b) was rummaging through her bag and § 87(2)(b) was slumped forwards with his hands positioned down on the seat (Board Review 20). All of the officers stated that they decided to approach the vehicle for further investigation due to the information obtained from the “KITE” investigation, § 87(2)(b)'s vehicle illegally parked too close to a fire hydrant, the appearance of § 87(2)(b) inside the vehicle, and due to the various movements from within the vehicle. Det. Mejia approached § 87(2)(b)'s side of the vehicle and PO Brinadze followed. Det. Williams approached § 87(2)(b) on the front passenger of the vehicle. Det. Mejia asked § 87(2)(b) to exit the vehicle and subsequently frisked § 87(2)(b) but he denied searching § 87(2)(b). PO Brinadze denied frisking or searching § 87(2)(b). All the officers corroborated in that § 87(2)(b) and § 87(2)(b) were compliant, but appeared to possibly be under the influence due to § 87(2)(b)'s jittery and nervous behavior and § 87(2)(b)'s spaced out appearance.

When an officer has probable cause to believe that the driver of an automobile has committed a traffic violation, a stop is justified. Additionally, in making that determination of probable cause, neither the primary motivation of the officer nor a determination of what a reasonable traffic officer would have done under the circumstances is relevant, People v. Robinson, 97 N.Y.2d 341 (2001) (Board Review 04). The Supreme Court adopted that an officer's probable cause to believe an individual has violated traffic code rendered the vehicle stop reasonable, Whren v. United States, 517 U.S. 806 (1996) (Board Review 27). The totality of information, even though it may be innocuous when isolated, obtained by the officer during a vehicle stop, in which the passenger was observed making furtive movements and when it leads to an actual and specific danger to the officer's safety, a frisk would be justified, People v. Feldman, 114 A.D.3d 603 (1st Dept. 2014) (Board Review 01).

§ 87(2)(g) [Redacted text block]

§ 87(2)(g) [Redacted text block]

§ 87(2)(g) [Redacted text block]

§ 87(2)(g) [Redacted text block]

Allegation H— Abuse of Authority: Det. Wilmar Mejia questioned § 87(2)(b) and § 87(2)(b)

Allegation J— Abuse of Authority: PO Mark Brinadze questioned § 87(2)(b)

Det. Mejia denied that he questioned § 87(2)(b) or § 87(2)(b) about weapons or drugs in the car. Det. Mejia stated that he asked only asked § 87(2)(b) non-accusatory questions such as, “How are you doing,” and “What are you doing in the neighborhood?” (Board Review 21). Moreover, Det. Mejia denied speaking with § 87(2)(b) at any point during the incident (Board Review 25).

PO Brinadze admitted that he questioned § 87(2)(b) but stated that he only asked § 87(2)(b) if he lived in the area, if he was waiting for anyone, and why he was parked by a hydrant. PO Brinadze indicated that he did not ask § 87(2)(b) any additional questions (Board Review 20).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation K— Abuse of Authority: Det. Wilmar Mejia searched the car in which § 87(2)(b) was an occupant.

Allegation L— Abuse of Authority: Det. Wilmar Mejia searched § 87(2)(b) s bags.

Allegation M— Abuse of Authority: Det. James Williams searched the car in which § 87(2)(b) was an occupant.

Allegation N— Abuse of Authority: Det. James Williams searched § 87(2)(b) s bags.

Allegation O— Abuse of Authority: PO Mark Brinadze searched the car in which § 87(2)(b) was an occupant.

Allegation P— Abuse of Authority: PO Mark Brinadze searched § 87(2)(b) s bags.

It is undisputed that all three officers entered and searched § 87(2)(b) s vehicle and looked inside of § 87(2)(b) s purse. § 87(2)(g)

§ 87(2)(b) stated that after he was removed from the vehicle, he saw both Det. Mejia and Det. Williams enter his vehicle. However, § 87(2)(b) stated that he was mostly turned away from the vehicle during the incident and was only able to periodically look back towards his vehicle. § 87(2)(b) stood at the rear of his vehicle with his back towards his vehicle. § 87(2)(b) said that he observed Det. Mejia enter the front driver side of the vehicle and Det. Williams enter the front passenger side. § 87(2)(b) also saw Det. Mejia searching the center console area, near the ashtray, and also searched § 87(2)(b) s duffle bag which was brought from the rear seats to the front of the vehicle (Board Review 17).

§ 87(2)(b) stated that she saw all three officers enter § 87(2)(b) s vehicle. § 87(2)(b) observed Det. Mejia (identified via the investigation) enter the front driver side of § 87(2)(b) s vehicle and then search her purse that was on the floor of the passenger side. After Det. Mejia returned to the rear of the vehicle, Det. Williams and PO Brinadze (identified via the investigation) took turns entering the vehicle from both the driver and passenger side of the vehicle and each also looked inside § 87(2)(b) s purse. § 87(2)(b) also observed all of the officers looking inside her second duffle bag that was located in the rear seat. She indicated that nothing was removed as a result of the searches (Board Review 18).

Det. Mejia stated that he entered the vehicle and took a “quick” look inside the front driver side area of the vehicle to ensure that there was nothing concealed under the seat. Det. Mejia denied looking anywhere else inside the vehicle. Det. Mejia acknowledged that there was an open purse in the center console area, but denied looking inside or reaching inside the purse. Det. Mejia denied searching a duffle bag that was in the backseat. He did not see if PO Brinadze or Det. Williams entered the vehicle (Board Review 21).

Det. Williams admitted to entering the front passenger side area of the vehicle to look for any hidden weapons or contraband. Moreover, Det. Williams insisted that another officer “must have” looked inside the driver side. However, he could not recall which officer did so. Det. Williams explained that he searched the “lungeable areas” in the car, which included the floor and around the seat. He did not recall if he opened the center console or glove compartment. Det. Williams stated that he searched § 87(2)(b) s purse by reaching inside to ensure that there were no guns or pills inside. The purse was located in the center console area. Det. Williams denied searching anywhere else in the vehicle or searching any other duffle bag (Board Review 19).

PO Brinadze stated that he entered the front driver side area of the vehicle and checked the floor of the vehicle because it was a “lungeable area”. PO Brinadze did so to check for any weapons since he had observed a lot of movements inside the vehicle prior. PO Brinadze noticed an open purse in the center console area and looked inside it for approximately two seconds, but denied reaching inside the bag. PO Brinadze stated that he did not see any narcotics nor was anything recovered, but stated that there was a possibility there were narcotics based on the occupants’ appearances (he described as § 87(2)(b) being hyper and jittery while § 87(2)(b) appeared to be very down and “out of it”). PO Brinadze acknowledged that Det. Williams entered the vehicle via the passenger side and Det. Mejia entered the front driver side after he [PO Brinadze] had already looked inside the vehicle (Board Review 20).

Absent probable cause and after the suspects have been removed and frisked without incident, thereby eliminating any immediate threat to the officer’s safety, an officer may not search a vehicle, People v. Torres, 74 N.Y.2d 224 (1989) (Board Review 03). When the “actual and specific danger” has been eliminated, an officer may not extend his search into a stopped vehicle without probable cause, People v. Mundo, 90 N.Y.2d 55 (2002) (Board Review 28).

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
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[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

Allegation Q— Abuse of Authority: Det. Wilmar Mejia refused to provide his name to

§ 87(2)(b)
§ 87(2)(g)
[REDACTED] § 87(2)(b) stated that at the conclusion of the incident he requested for each of the officer's names. § 87(2)(b) recalled their names to be Det. Rodriguez, Det. Williams, and Det. "B" (Board Review 17). The investigation later determined that Det. Mejia, Det. Williams, and PO Brinadze were the officers involved during the incident. § 87(2)(b) also stated that each of the officers identified themselves to § 87(2)(b) but she did not recall any of their names.

Det. Mejia stated that he had displayed his badge to § 87(2)(b) when he first approached his vehicle and also when § 87(2)(b) requested for his name and shield at the end of the incident. Det. Mejia denied telling § 87(2)(b) that his name was "Det. Rodriguez" and did not hear any other officers do so. Furthermore, the investigation determined that there were no officers named "Det. Rodriguez" on the scene (Board Review 21). PO Brinadze denied hearing any officers say that their name was Det. Rodriguez. PO Brinadze stated that Det. Rodriguez was not on the scene during the incident.

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

§ 87(4-b), § 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

§ 87(4-b), § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

Pod: _____

Investigator:	_____	_____	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date